

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ADAMS MFG. CORP.,)
Plaintiff,)
)
v.) Civil Action No. 08-670
)
JO-ANN STORES, INC.,)
Defendant.)

INITIAL PATENT SCHEDULING ORDER

AND NOW, this 8th day of January, 2009, IT IS HEREBY ORDERED that this action is placed under the Local Patent Rules of this Court for pretrial proceedings and all provisions of these Rules will be strictly enforced.

IT IS FURTHER ORDERED that counsel shall confer with their clients prior to all scheduling, status, or pretrial conferences to obtain authority to participate in settlement negotiations which may be conducted or ordered by the Court.

IT IS FURTHER ORDERED that compliance with provisions of Local Rule 16 and the Local Patent Rules shall be completed as follows:

(1) The parties shall move to amend the pleadings or add new parties January 28, 2009;

(2) The party claiming patent infringement must serve on all parties a Disclosure of Asserted Claims and Infringement Contentions by February 17, 2009;

(3) The parties shall complete their selected ADR process by March 9, 2009;

(4) The party claiming non-infringement and invalidity must serve on all parties a Disclosure of Non-Infringement and Invalidity Contentions by March 9, 2009;

(5) Each party will simultaneously exchange Proposed Claim Terms and Phrases for Construction by March 19, 2009;

(6) The parties shall meet and confer by March 30, 2009 to identify claim terms and phrases that are in dispute, and claim terms and phrases that are not in dispute and prepare and file a Joint Disputed Claim Terms Chart. Each party shall also file with the Joint Disputed Claim Terms Chart an appendix containing a copy of each item of intrinsic evidence cited by the party in the Joint Disputed Claim Terms Chart;

(7) The parties shall complete fact discovery relative to claim construction by April 20, 2009, and all interrogatories, depositions, requests for admissions, and requests for production shall be served within sufficient time to allow responses to be completed prior to the close of discovery;

(8) Plaintiff shall file and serve an Opening Claim Construction Brief and an identification of extrinsic evidence by April 30, 2009;

(9) The Opposing Party shall file and serve a response to the Opening Claims Construction Brief, an identification of extrinsic evidence and any objections to extrinsic evidence by May 20, 2009;

(10) The opening party may serve and file a Reply directly rebutting the opposing party's Response, and any objections to extrinsic evidence by June 4, 2009;

(11) The Court will conduct a hearing on the issue of Claim Construction on Wednesday, July 1, 2009 at 10 a.m..

BY THE COURT:

s/Gary L. Lancaster
Gary L. Lancaster,
United States District Judge